

U.S. Application Serial No. 10/696,791
Attorney Docket: 46107-0087
Reply to Office Action of April 4, 2005

Amendments To The Drawings:

The attached substitute drawing sheet for FIG. 3A has been redrafted to enlarge the figure to better show the stake grooves and to add reference numeral 46, but has not been changed in any substantive manner.

REMARKS

In an Office Action dated April 4, 2005, the Examiner (1) rejected the Information Disclosure Statement filed on October 30, 2003 as failing to comply with 37 C.F.R. § 1.98(a)(2), stating that no copy of a drawing dated November 28, 2001 was received, (2) objected to the drawings as failing to comply with 37 C.F.R. § 1.83(a) because the drawings fail to show the stake grooves recited in Claim 4, in view that reference numeral 46 is used in the description to identify the grooves but in the drawings no groove structure is indicated by numeral 46, (3) objected to the drawings under 37 C.F.R. § 1.84(k) because the scale of the drawings is too small to show the details described at paragraph [0037] and recited in Claim 4, (4) objected to the specification as failing to comply with 37 C.F.R. § 1.71 and § 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for the subject matter in Claim 5, (5) rejected Claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention, because Claim 4 recites a limitation "said inboard wall defining a plurality of stake grooves" [disposed below the annular groove], stating that the drawings show no structure nor is clear why the stake grooves would be disclosed below the annular groove, (6) rejects Claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,881,324 to Girquis, and (7) rejected Claims 1-3 and 5-6 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. US-2003-0224862-A1 to Schultz. By this response, Applicants amend Claim 1, cancel Claim 4, resubmit a copy of the drawing dated November 28, 2001 as cited in the Information Disclosure Statement filed October 30, 2003, and provide a replacement sheet of drawings for the drawing sheet showing FIG. 3A.

In regards to the Examiner's statement that no copy of the drawing dated November 28, 2001 was received, Applicants have enclosed a copy of the postcard from the U.S. Patent and Trademark Office acknowledging receipt of the drawing dated November 28, 2001 (Appendix A). However, to speed up prosecution of the application, Applicants are providing an additional copy of the drawing dated November 28, 2001 as Appendix B to this Response.

In response to the Examiner's objection to the drawings for failing to show stake grooves, and the scale of the drawings being too small to show the details described in paragraph [0037] and recited in Claim 4, Applicants have submitted a replacement sheet for FIG. 3A. Applicants respectfully submit that the stake grooves are clearly shown in sufficient scale and now are labeled 46 in FIG. 3A. Furthermore, Applicants respectfully submit that the drawings previously filed with the application clearly identify the stake grooves in FIGS. 1, 3B, 5 and 6 with numeral 46 and clearly show the stake grooves in sufficient scale in FIGS. 1, 3A, 3B, 5 and 6.

In regards to the Examiner's objection to the specification as failing to comply with 37 C.F.R. §§ 1.71 and 1.75(d)(1), Applicants respectfully disagree. Applicants submit that paragraphs [0032] and [0037] provide sufficient support for the limitations in Claim 5. Paragraph [0032] states that various size retention members and/or various sized spacers may be selected to secure the replacement spider in an approximately balanced position before coupling the retention member to the annular groove. Because the replacement spider assembly includes the bearing cups as shown in FIG. 8 and defined in the specification, it is inherent that the spider assembly being located in an approximately balanced position would also mean that the bearing cup is located in an approximately balanced position within said aperture.

With regards to the Examiner's rejection under 35 U.S.C. § 112, second paragraph, regarding Claim 4, Applicants have cancelled this claim. However, because material from Claim

4 has been added to independent Claim 1, Applicants respectfully disagree with the Examiner regarding the drawing showing no such structure. Applicants respectfully submit that the drawings shown in FIGS. 1, 3A, and 3B clearly show the subject matter of Claim 4. The inboard wall in FIGS. 1, 3A, and 3B clearly defines a plurality of stake grooves. Furthermore, the specification clearly supports why the stake grooves are disposed below the annular groove, as claimed by the limitation "said inboard wall defining a plurality of stake grooves". Paragraph [0028], states that stakes 44 engage a spider assembly 50, specifically, the bearing assembly 70 and are formed within the aperture 40. As is described in paragraphs [0031] and [0032], the stakes 44 are cut with a cutting tool and the original spider assembly is replaced with a replacement spider assembly. The retention members are coupled in the annular grooves of the aperture and a spacer is placed between the retention members and the new bearing assemblies to maintain the replacement spider assembly in an approximately balanced position. Therefore, it is clear from both the drawings and the detailed description that the stake grooves are located on the inboard wall, and as stated by the Examiner, they would be disposed below the annular groove.

In regards to the Examiner's rejection of Claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,881,324 to Girquis, Applicants respectfully disagree. Amended Claim 1 now includes the limitation that the aperture includes an inboard radial wall that defines a plurality of stake grooves while the outboard radial wall defines the annular groove. Applicants respectfully submit that Girquis does not define any stake grooves and therefore does not disclose each and every limitation of amended Claim 1. Therefore, Applicants respectfully submit that Claims 1-3 and 5-7 are in a condition for allowance.

U.S. Application Serial No. 10/696,791
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The Examiner rejected Claims 1-3 and 5-6 under 35 U.S.C. § 102(e) as being anticipated by Schultz. Applicants respectfully submit that Schultz does not show stake grooves on the inboard radial wall and therefore does not disclose each and every limitation of the present invention.

Applicants respectfully submit that Claims 1-3, 5-7 are in a condition for allowance. If the Examiner believes that personal communication would expedite the prosecution of this application, please telephone the undersigned at (248) 433-7231.

Prompt and favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,

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Date: 6-30-05

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Enclosures

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APPENDIX A

** Please Date Stamp & Return **

Applicant(s): Joseph Schlegelmann et al.	Case No.: 46107-00 (V203-0067)
Serial No.:	Filing Date:
Title: Universal Joint And Method Of Servicing A Staked Universal Joint	
Please acknowledge receipt of: Express Mail Label No. ER 307 737 924 US; Check No. 158241 in the amount of \$878.00 (\$770.00 - utility filing fee; \$108.00 - additional claims fee); Utility Patent Application Transmittal (1 sheet); Fee Transmittal For FY 2004 (1 sheet - in duplicate); 19-page patent application including at least one claim and an abstract; eight (8) sheets of drawings showing Figures 1-13; Unexecuted Declaration and Power of Attorney (4 pgs); Information Disclosure Statement (4 pgs); PTO-1449 Form (3 pages); and copies of non-US cited reference (copy of related U.S. pending Patent Application No. 10/028,241 (18 pages); and drawing (1 page).	
<div>17858 U.S. PTO 10/696791  103003 USPTO Date Stamp</div>	
Due:	Attorney: DAM/CAP/Sepanik

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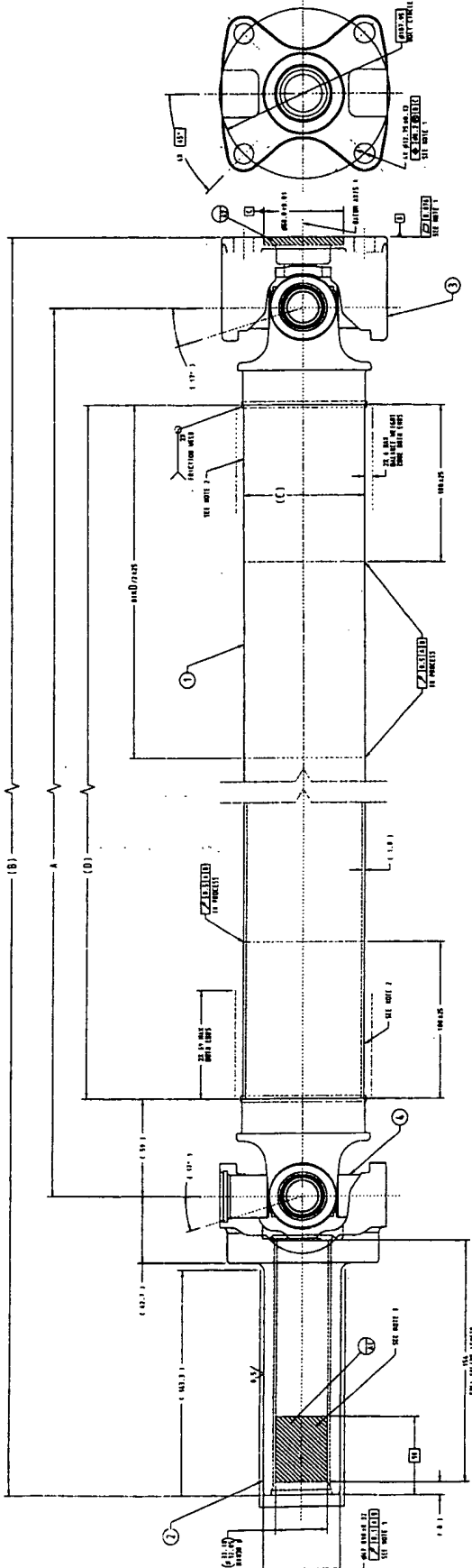
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